

STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

RONALD C. AVERETT,  
Complainant,

vs.

CITY OF HENDERSON; HENDERSON  
POLICE DEPARTMENT,  
Respondent.

ITEM NO. 561

CASE NO. A1-045771

**ORDER**

For Complainant: Richard I. Dreitzer, Esq.

For Respondent: William E. Cooper, Esq.

On October 3, 2003, Complainant RONALD C. AVERETT (hereinafter "Averett") filed a complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD (hereinafter "Board").

On October 27, 2003, Respondent CITY OF HENDERSON and the HENDERSON POLICE DEPARTMENT (hereinafter "City") filed a Motion to Dismiss Complaint. Averett filed his opposition on November 10, 2003 and the City filed their reply on November 24, 2003.

The Board deliberated on said motion on December 9, 2003, noticed in accordance with Nevada's Open Meeting Law. Based upon said deliberations,

IT IS HEREBY ORDERED that unless there is subsequent justification to require evidence beyond the 6-month limit to establish a continuing pattern of conduct constituting prohibited labor practices, the motion is denied in part and granted in part. The evidence is limited to events occurring 6-months prior to the filing of the complaint.

IT IS FURTHER ORDERED that the motion on the issue of failure to exhaust remedies is denied in light of Henderson Police Officers' Association not pursuing the grievance inasmuch as special circumstances and/or prejudice has been shown (NAC 288.210(2)).

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1 IT IS FURTHER ORDERED that the motion to dismiss is granted concerning claims  
2 involving the "Civil Rights Act of 1871 and Title VII of the Civil Rights Acts of 1964" and tort  
3 claims.

4 DATED this 9<sup>th</sup> day of December, 2003.

5 LOCAL GOVERNMENT EMPLOYEE-  
6 MANAGEMENT RELATIONS BOARD

7 BY:   
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JANET TROST, ESQ., Chairman

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10 BY:   
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TAMARA E. BARENGO, Vice-Chairman

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JOHN E. DICKS, ESQ., Board Member  
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